



# TRANSPARENCY INTERNATIONAL-PAKISTAN

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26<sup>th</sup> November, 2018

TL18/2611/8A

Director General,  
Peshawar Development Authority (PDA),  
Khyber Pakhtunkhwa.

**Sub: Violation of Khyber Pakhtunkhwa Public Procurement Regulatory Authority Act 2012, Deputy Director (RM/-R III), Peshawar Development Authority (PDA), Peshawar's E-Tender Notices for Construction Work.**

This is with reference to PDA, Peshawar's E-Tender Notice published in daily "Mashriq" on 21<sup>st</sup> November, 2018 and in daily "Aaj" on 23<sup>rd</sup> November, 2018. It is observed that the advertisements are in violation of the KPK PPRA Act 2012.

As per advertisements, the bid document fee is given as PRs 15,000/-, which appears costly in light of the Procurement Act and is violation of KPK PPRA Act 2012. According to the Act, Section No. 19, in the 'Public Accessibility' Clause, the tender document fee shall not exceed printing cost. Stated as under;

*19. Public Accessibility. --This Act, the rules made thereunder, guidelines, forms, bidding documents and/or decisions of Government or procuring entity relating to procurement shall be placed on a web-site of the Authority in addition to the website of the procuring entity or the Government, as the case may be, and which will also provide copies of these documents to the public at a fee not exceeding the cost of printing/reproduction of the documents.*

The above information is forwarded for the purpose of avoiding mis-procurement charge under Rule No 54, with request to re-invite the tender under the prescribed procedures or issue a corrigendum and extend date accordingly.

Transparency International Pakistan is striving for across the board application of Rule of Law, which is the only way to stop corruption.

Justice Zia Perwez  
Former Judge of Supreme Court of Pakistan and High Court of Sindh  
Trustee- TI-Pakistan

Copies forwarded for the information with request to take action under their mandate to:

1. Chief Minister, Khyber Pakhtunkhwa.
2. Director General, NAB, Khyber Pakhtunkhwa.
3. Chief Secretary, Khyber Pakhtunkhwa.
4. Registrar, Peshawar High Court.
5. Managing Director, KPPRA, Peshawar.



## PESHAWAR DEVELOPMENT AUTHORITY (PDA) (NOTICE INVITING E. TENDERS)

Sealed bids on the basis of "single stage two envelopes system" under Rule 14 (2)(b) of KPPRA Rules 2014, are hereby invited from the PDA's enlisted Contractors / Firms whose are registered with Pakistan Engineering Council (PEC) for the year 2019 having sufficient experience in the field of works given below, on percentage above/below on the BOQ/Engineer cost estimate for the following works:

S. #	Name of Work	Required Category of PEC	Estimated Cost (Rs. in million) upto 250 Million	Bid security/ Earnest Money	Bidding Documents Fee in (Rs)	Date & Time of submission of bids (Technical & Financial Proposals)	Date & Time of Opening (Technical Proposals /Bids)	Time Limit
<b>MAJOR HEAD: ADP No. 778/150381</b>								
1	Construction of RCC slabs on Drain, Entry to Service Roads and allied works From Zakori Bridge To Hayatabad Entry Bridg	C-2 & above	175.681	2% of the Estimated Cost	Rs.15000/-	11/12/2018 10:00 AM	11/12/2018 11:30 AM	As per work order

### TERMS & CONDITIONS

(1) Tender/Bidding documents for work will be issued to only those construction firms/Contractors who fulfill the eligibility criteria. Tender Bidding documents including Tender Form and Bill of Quantity (BOQ) can be downloaded up to 1-day prior to the opening date from PDA website. [www.pda.gkp.pk](http://www.pda.gkp.pk). (2) 2% (two percent) earnest money/bid security of the estimated cost must be accompanied in the shape of Call Deposit in name of the Director General, Peshawar Development Authority Peshawar, from schedule banks in accordance with the Rule 20(2) of KPPRA Rules 2014 and subsequent amendments (if any). An affidavit to the effect stating that 2% bid security / earnest money has been placed in Financial Proposals/Bids must be attached in the Technical Proposals. (3) The submission of Bids by the contractors implies that they are fully conversant with the site of work, scope of work and terms conditions laid down in the tender / Bid documents. (4) The eligible contractor / firms are required to submit their Bids for work in separate sealed envelopes i.e. one envelope containing "Technical Proposals" of the contractor / firm, clearly marked as "Technical Bid" accompanied with respective bidding documents fee, while the second envelope containing Financial proposals/bid price, clearly marked as "Financial Proposal". Both Technical and Financial proposals/ Bids will be placed in single sealed envelope and addressed & send to the undersigned through courier service. The bids received late shall not be entertained. (5) Technical proposal must be numbered & a table of contents inserted at beginning of the proposal showing, the contents of the proposal according to the numbered pages. All pages of the Bids shall be signed by the bidder & seal be affixed along with the signature/initials. (6) Technical Proposals / Bids will be opened in the office of the Chairman Tender Opening Committee in the presence of contractors /their representatives who choose to attend on the day and time mentioned above. In case if Technical Bids/Proposals are not opened on the above mentioned date due to unforeseen reasons these shall be opened on the next working date at the same place & time. (7) The "Technical Proposals / Bids" of the firms / contractors will be evaluated in accordance with laid down evaluation criteria based on the following documents to be provided in the Bidding document meant for submission of Technical Proposals. (i) Detail of projects of similar nature related to the above mentioned work undertaken by the firm in the last 5-years (in hand / completed) supported by documentary evidence such as work orders / completion reports in original or attested copies. (ii) Financial status. Bank Balance & Certificate from the schedule bank for the last 3-years. (iii) The Income tax Certificate / NTN from the concerned Department showing Tax Payments regarding works / projects executed during last 3-years. (iv) Details of Technical Staff for the proposed project, duly supported by attested credentials. (v) A certificate that there is no dispute of the firm with any department involved litigation/arbitration on the left over / incomplete projects. (vi) An affidavit is required to be provided with the technical bid regarding attachment of the bid security in the shape of Bank Guarantee or Call Deposit with the Financial Bid. (vii) The contractor those who have their own concrete Batching plant and Transit Mixture. (viii) Incomplete Tender Form will be Non Responsive i.e name of Firm, Quoted rate in words and in figure, signature of the contractor and stamp of the firm. (ix) The Undertaken shall be given by the contractor that they would be finalized the work within time given in the work order, otherwise 10% penalty shall be imposed on Bid amount. (x) Those will eligible to apply for the tender whose have renewed their enlistment for the year 2018-19. (8) Only up to two decimal digits (0.00) will be considered for evaluation of the quoted bid. If any document submitted along with bid documents found false / bogus the registration of the contractor / firm shall stands cancelled / blacklisted. Conditional / incomplete bids shall not be acceptable. (9) The "Financial Bids / Proposals" of only technically responsive qualified bidders will be opened after evaluation of Technical Bids in the presence of bidders / their representative (who may like to attend) in the office of the Chairman Tender Opening Committee on the date & time to be notified later on whereas the "Financial Bids" of technically non responsive bidders shall be returned unopened to the respective contractors. (10) The contractors / bidders who quote their bids / rates more than 10% below the Engineer's estimate shall submit an Additional Security in the form of call deposit equal to 8% of the estimated cost. After commencement of work by the successful bidder 8% call deposit should replaced with a bank guarantee of the same amount from the scheduled bank in accordance with the notification KPPRA/M&E/Estt:/1-5/2016, Dated 24/05/2016 as amended on June 06-2017. (11) Any item not reflected in the BOQ and required at site, shall be paid in accordance with MRS- 2017 prevailing market rates with the approval of the competent authority. (12) All the Government taxes (Federal, Provincial & any other) will be deducted as per prevailing Government policy. (13) Incomplete/ disfiguring / overwriting / by hand/ delayed bids shall be considered non-responsive. (14) The procuring entity may reject all bids or any proposal/Bid at any time prior to the acceptance of a bid or proposals. The procuring entity shall upon request communicate to any contractor who submitted a bid or proposal the grounds for rejection or of all bids or proposals as per Section 47(1) of the Public Procurement Regulation 2017. (15) The work can be seen in the office of the undersigned at any working day during office hours. (16) The contractor should be registered with the Khyber Pakhtunkhwa Revenue Authority, established under the Khyber Pakhtunkhwa Finance Act, 2013 (KP Act No. XXI of 2013) (17) Validity of bid will be 90-days from date of opening of the tender.

DY. DIRECTOR (RM / R-III) PDA's House Commercial Complex  
Block-I Phase-V Hayatabad Peshawar

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## PESHAWAR DEVELOPMENT AUTHORITY (PDA) (NOTICE INVITING E. TENDERS)

Sealed bids on the basis of "single stage two envelopes" system as per Rule 20(2) of KPPRA Rules 2014, are hereby invited from the PDA's enlisted Contractors / Firms whose are registered with Pakistan Engineering Council (PEC) for the year 2019 having sufficient experience in the field of works given below, on percentage above/below of estimated cost for the following works:

S. No.	Name of Work	Registered Category (P.D.C.)	Estimated Cost (Million / US\$)	Security Deposit (Percentage)	Bidding Documents Fee (Rs)	Date & Time of submission of bids (Technical & Financial Proposals)	Date & Time of Opening Technical Proposals / Bids	Time Limit
1	Construction of 6-nos of Dedicating U-Turns Front Zakori Bridge To Hayatabad Entry Bridge	C-2 & above	318.711	2% of the Estimated Cost	15000/-	11/12/2018 12:30 PM	11/12/2018 02:00 PM	As per work order

### TERMS & CONDITIONS

(1) Tender/Bidding documents for work will be issued to only those construction firms/Contractors who fulfil the eligibility criteria. Tender Bidding documents including Tender Form and Bill of Quantity (BOQ) can be downloaded up to 1-day prior to the opening date from PDA website [www.pda.gkp.pk](http://www.pda.gkp.pk). (2) 2% (two percent) earnest money/bid security of the estimated cost must be accompanied in the shape of Call Deposit in name of the Director General, Peshawar Development Authority Peshawar, from schedule banks in accordance with the Rule 20(2) of KPPRA Rules 2014 and subsequent amendments (if any). An affidavit to the effect stating that 2% bid security / earnest money has been placed in Financial Proposals/Bids must be attached in the Technical Proposals. (3) The submission of Bids by the contractors implies that they are fully conversant with the site of work, scope of work and terms conditions laid down in the tender / Bid documents. (4) The eligible contractor / firms are required to submit their Bids for work in separate sealed envelopes i.e. one envelope containing "Technical Proposals" of the contractor / firm, clearly marked as "Technical Bid" accompanied with respective bidding documents fee, while the second envelope containing Financial proposals/bid price clearly marked as "Financial Proposal". Both Technical and Financial proposals/ Bids will be placed in single sealed envelope and addressed & send to the undersigned through courier service. The bids received late shall not be entertained. (5) Technical proposal must be numbered & a table of contents inserted at beginning of the proposal showing the contents of the proposal according to the numbered pages. All pages of the Bids shall be signed by the bidder & seal be affixed along with the signature/initials. (6) Technical Proposals / Bids will be opened in the office of the Chairman Tender Opening Committee in the presence of contractors / their representatives who choose to attend on the day and time mentioned above. In case if Technical Bids/Proposals are not opened on the above mentioned date due to unforeseen reasons these shall be opened on the next working date at the same place & time. (7) The "Technical Proposals / Bids" of the firms / contractors will be evaluated in accordance with laid down evaluation criteria based on the following documents to be provided in the Bidding document meant for submission of Technical Proposals.

(i) Detail of projects of similar nature related to the above mentioned work undertaken by the firm in the last 5-years (in hand / completed) supported by documentary evidence such as work orders / completion reports in original or attested copies. (ii) Financial status. Bank Balance & Certificate from the schedule bank for the last 3-years. (iii) The Income tax Certificate / NTN from the concerned Department showing Tax Payments regarding works / projects executed during last 3-years. (iv) Details of Technical Staff for the proposed project, duly supported by attested credentials. (v) A certificate that there is no dispute of the firm with any department involved litigation / arbitration on the left over / incomplete projects. (vi) An affidavit is required to be provided with the technical bid regarding attachment of the bid security in the shape of Bank Guarantee or Call Deposit with the Financial Bid. (vii) The contractor those who have their own Asphalt Plant and other relative machinery. (viii) Incomplete Tender Form will be Non Responsive i.e name of Firm, Quoted rate in words and in figure, signature of the contractor and stamp of the firm. (ix) The Undertaken shall be given by the contractor that they would be finalized the work within time given in the work order, otherwise 10% penalty shall be imposed on Bid amount. (x) Those will eligible to apply for the tender whose have renewed their enlistment for the year 2018-19.

(8) Only up to two decimal digits (0.00) will be considered for evaluation of the quoted bid. If any document submitted along with bid documents found false / bogus the registration of the contractor / firm shall stands cancelled / blacklisted. Conditional / incomplete bids shall not be acceptable. (9) The "Financial Bids / Proposals" of only technically responsive qualified bidders will be opened after evaluation of Technical Bids in the presence of bidders / their representative (who may like to attend) in the office of the Chairman Tender Opening Committee on the date & time to be notified later on whereas the "Financial Bids" of technically non responsive bidders shall be returned unopened to the respective contractors. (10) The contractors / bidders who quote their bids / rates more than 10% below the Engineer's estimate shall submit an Additional Security in the form of call deposit equal to 8% of the estimated cost. After commencement of work by the successful bidder 8% call deposit should be replaced with a bank guarantee of the same amount from the scheduled bank in accordance with the notification KPPRA/M&E/Estt/1-5/2018, Dated 24/05/2018 as amended on June 06-2017. (11) Any item not reflected in the BOQ and required at site, shall be paid in accordance with MRS- 2017/ prevailing market rates with the approval of the competent authority. (12) All the Government taxes (Federal, Provincial & any other) will be deducted as per prevailing Government policy. (13) Incomplete/ disfiguring / overwriting / by hand/ delayed bids shall be considered non-responsive. (14) The procuring entity may reject all bids or any proposal/Bid at any time prior to the acceptance of a bid or proposals. The procuring entity shall upon request communicate to any contractor who submitted a bid or proposal the grounds for rejection or of all bids or proposals as per Section 47(1) of KPPRA Rules 2014. (15) Other terms & conditions pertaining to the work can be seen in the office of the undersigned at any working day during office hours. (16) All the bidders should be registered with the Khyber Pakhtunkhwa Revenue Authority, established under the Khyber Pakhtunkhwa Finance Act, 2013 (KP Act No. XXI of 2013). (17) Validity of bid will be 90-days from date of opening of the tender.

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